

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STUDIO A ENTERTAINMENT, INC. 08 CIV. 4301 (VM)

Plaintiff,

-against-

ANSWER AND JURY DEMAND

306 DVD & VIDEO, INC., 306 DVD LAND
JOHN DOES 1-10

Defendant.

-----X

Defendants by its attorneys FRANZBLAU DRATCH, P.C., answers defendant's complaint as follows:

1. Defendant has insufficient knowledge to either admit or deny defendants designated paragraph 1 and instead leave defendants to its proofs.
2. Defendants' admit the designated paragraph 2.
3. Defendants' deny the designated paragraph 3.
4. Defendants' deny the designated paragraph 4
5. Defendant has insufficient knowledge to either admit or deny defendants designated paragraph 5 and instead leave defendants to its proofs.
6. Defendant has insufficient knowledge to either admit or deny defendants designated paragraph 6 and instead leave defendants to its proofs.
7. Defendant has insufficient knowledge to either admit or deny defendants designated paragraph 7 and instead leave defendants to its proofs.

JURISDICTION AND VENUE

8. Defendant has insufficient knowledge to either admit or deny defendants designated paragraph 1 and instead leave defendants to its proofs.

AS AND FOR A FIRST COUNT FOR COPYRIGHT INFRINGEMENT

9. In response to the allegations contained in the paragraph designated as 9

plaintiff repeats, realleges each and every answer to those paragraphs mentioned above, with the same force and effect as if fully set forth at length herein.

10. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 10 and instead leaves defendants to its proofs.

11. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 11 and instead leaves defendants to its proofs.

12. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 12 and instead leave defendants to its proofs.

13. Defendants deny the allegations designated as paragraph 13.

14. Defendants deny the allegations designated as paragraph 14.

15. Defendants deny the allegations designated as paragraph 15.

16. Defendants deny the allegations designated as paragraph 16.

**AS AND FOR A SECOND COUNT FOR
COPYRIGHT INFRINGEMENT**

17. In response to the allegations contained in the paragraph designated as 17 plaintiff repeats, realleges each and every answer to those paragraphs mentioned above, with the same force and effect as if fully set forth at length herein.

18. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 18 and instead leave defendants to its proofs.

19. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 19 and instead leave defendants to its proofs.

20. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 20 and instead leave defendants to its proofs.

21. Defendants deny the allegations designated as paragraph 21

22. Defendants deny the allegations designated as paragraph 22.

23. Defendants deny the allegations designated as paragraph 23.

24. Defendants deny the allegations designated as paragraph 24.

**AS AND FOR A THIRD COUNT FOR
FEDERAL TRADEMARK INFRINGEMENT**

25. In response to the allegations contained in the paragraph designated as 25 plaintiff repeats, realleges each and every answer to those paragraphs mentioned above, with the same force and effect as if fully set forth at length herein.

26. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 26 and instead leave defendants to its proofs.

27. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 27 and instead leave defendants to its proofs.

28. Defendants have insufficient knowledge to either admit or deny defendants designated paragraph 28 and instead leave defendants to its proofs.

29. Defendants deny the allegations designated as paragraph 29.

30. Defendants deny the allegations designated as paragraph 30.

31. Defendants deny the allegations designated as paragraph 31.

32. Defendants deny the allegations designated as paragraph 32.

33. Defendants deny the allegations designated as paragraph 33.

**AS AND FOR A FOURTH COUNT FOR
VICARIOUS COPYRIGHT INFRINGEMENT**

34. In response to the allegations contained in the paragraph designated as 34 plaintiff repeats, realleges each and every answer to those paragraphs mentioned above, with the same force and effect as if fully set forth at length herein.

35. Defendants deny the allegations designated as paragraph 35.

36. Defendants deny the allegations designated as paragraph 36.

37. Defendants deny the allegations designated as paragraph 37.

**AS AND FOR A FIFTH COUNT FOR
VIOLATION OF 15 U.S.C. 1125(a)**

38. In response to the allegations contained in the paragraph designated as 38 plaintiff repeats, realleges each and every answer to those paragraphs mentioned above,

with the same force and effect as if fully set forth at length herein.

43. Defendants deny the allegations designated as paragraph 43.
44. Defendants deny the allegations designated as paragraph 44.
45. Defendants deny the allegations designated as paragraph 45.
46. Defendants deny the allegations designated as paragraph 46.
47. Defendants deny the allegations designated as paragraph 47.
48. Defendants deny the allegations designated as paragraph 48.
49. Defendants deny the allegations designated as paragraph 49.
50. Defendants deny the allegations designated as paragraph 50.

DAMAGE TO PLAINTIFF

51. Defendants deny the allegations designated as paragraph 51.
52. Defendants deny the allegations designated as paragraph 52.

WHEREFORE, defendants request that plaintiff complaint be dismissed with prejudice and with costs.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's complaint fails to state of claim for which relief can be granted

SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate his damages.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs have unclean clean hands.

FOURTH AFFIRMATIVE DEFENSE

Any violation asserted by plaintiff in its complaint was committed by the acts of a third-party and not defendant.

FIFHHT AFFIRMATIVE DEFENSE

Plaintiff has invalid and/or does not own copyrights or patents in the United States.

JURY DEMAND

Defendants hereby demand a trial by jury on all causes of action.

Dated: New York, New York
June 3, 2008

FRANZBLAU DRATCH, P.C.
Attorneys for plaintiff

BY: /s/Brian M. Dratch
Brian M. Dratch
233 Broadway, Suite 2701
New York, New York 10007
Email: bdratch@njcounsel.com
(212) 571-1808